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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/605,246 06/28/00 PATTON

D 81219F-P

EXAMINER

001333 QM22/0316  
PATENT LEGAL STAFF  
EASTMAN KODAK COMPANY  
343 STATE STREET  
ROCHESTER NY 14650-2201

CARTER, M  
ART UNIT PAPER NUMBER

3722  
DATE MAILED:

03/16/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/604,246	EBIHARA ET AL.	
	Examiner	Art Unit	
	Monica S. Carter	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 28-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- |  |  |
|--|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____   |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-22 and 28-30 in Paper No. 4 is acknowledged.

***Claim Objections***

2. Claim 22 is objected to because of the following informalities:

In claim 22, line 7, the recitation "adapted to placed" appears to be incomplete.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5-8, 11-14, 17, 18, 22, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray et al. (5,685,570).

Gray et al. discloses postage stamps comprising a first image area having an official postage indicia; a second image area having an image; and a protective coating covering the second image area such that a cancellation mark placed over the second image area will not permanently adhere to the image (col. 5, lines 57-67).

Note: The use of envelopes and post cards having postal indicia is well known in the art.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 9, 10, 15, 16, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray et al..

Gray et al. discloses the claimed invention except for the protective coating being made of methylcellulose, poly (vinylformal), poly (vinyl benzyl), or poly (vinyl acetyl). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the desired material for the protective covering, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice. In re Leshin, 125 USPQ 416.

7. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray et al..

Gray et al. discloses the claimed invention except that a lithographic printer is used instead of either an inkjet printer, a wax sublimation printer, or an electrophotographic printer. It would have been an obvious matter of design choice to one having ordinary skill in the art to use any printer to print the postal product based on the desired results by the user.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Biron (3,937,492) discloses a system of verified communication, Henderson (3,995,741) discloses a method of sorting mail using a coded postage stamp, Rozmanith (4,083,137) discloses a display system for philatelic materials, Gunn (4,201,339) discloses an article sorting apparatus, Peng (4,264,366) discloses a cancellation and marking inks, Barr (4,445,635) discloses a two way mailing envelope, Brewen et al. (4,872,706) discloses a postage ad label, Gutttag (5,120,089) discloses a protected philatelic item, de Passille (5,423,573) discloses a composite stamp, Warren et al. (5,505,132) discloses an apparatus for field postage stamp cancellation, Tuhro (5,635,694) discloses a system and method for embedding machine coded destination information into a postal mark, and Cordery (6,085,182) discloses a method and apparatus for canceling postage.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica S. Carter whose telephone number is (703) 305-0305. The examiner can normally be reached on Monday-Thursday (8:00 AM - 5:30 PM).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

mc  
March 9, 2001

  
WILLMON FRIDIE, JR.  
PRIMARY EXAMINER  
GROUP 3200